



UNITED STATES
PATENT AND
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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
PO BOX 1450, ALEXANDRIA, VA 22313-1450
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SEP 14 2003

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of :
H. Robert Horvitz et al :
Serial No.: 09/087,136 : WITHDRAWAL OF ABANDONMENT
Filed: May 28, 1998 :
Attorney Docket No.: 01997/202002 :

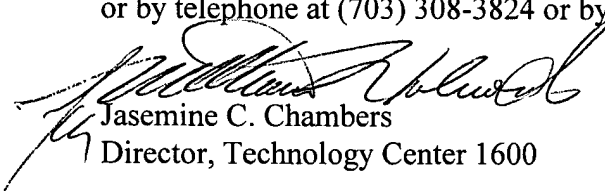
This is in response to the petition under 37 CFR 1.181, filed June 20, 2003, requesting withdrawal of abandonment based on a timely filed reply.

A review of the file history shows the examiner mailed a non-Final Office action to applicants on October 22, 2002, setting a three month shortened statutory period for reply. Upon failure to receive a reply the examiner held the application abandoned by Notice of Abandonment mailed to applicants on June 2, 2003. Applicants state that they replied on March 24, 2003, and provide a copy of the reply which included a request and fee for a two month extension of time. Applicants also provide a copy of the Office date stamped return postcard evidencing receipt by the Office. The originally filed copy of the reply has not been located and the copy provided with the petition will be used in lieu thereof. In view of the evidence presented, the Notice of Abandonment was mailed in error and is withdrawn and the application restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.


Jasemine C. Chambers
Director, Technology Center 1600